



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

August 27, 2010

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To: Supervisor Gloria Molina, Chair
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From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

This memorandum contains a pursuit of a County position on legislation regarding conflict of interest requirements for charter schools; a change in position on two County-advocacy measures related to funding notices for emergency housing grants and the use of raw or potable water for non-potable municipal or industrial purposes; updates on two County-sponsored measures related to information sharing for the purpose of the prevention, identification, management or treatment of child abuse or neglect and fees for storm water runoff; and seven advocacy measures.

Pursuit of County Position on Legislation

AB 572 (Brownley), which as amended on September 2, 2009, would require charter schools governing boards to comply with conflict of interest requirements specified under the Brown Act or Bagley-Keene Open Meeting Act, the California Public Records Act and the Political Reform Act of 1974.

AB 572 would provide that, for purposes of the Political Reform Act, the jurisdiction of a charter school would be the county or counties in which the charter school facility or facilities are located. Further, the jurisdiction of a non-classroom based charter school that does not have a facility, shall be the physical boundaries of the county or counties where at least 10 percent of the pupils enrolled in the school reside. If at least 10 percent of the pupils do not reside in a single county, the jurisdiction of the charter school would be the county in which the greatest number of pupils reside.

"To Enrich Lives Through Effective And Caring Service"

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The Executive Office of the Board indicates that the provision in AB 572 relating to the conflict of interest requirements would negatively affect its operations. The Political Reform Act ties responsibility for filing and review of an agency's Form 700, Statement of Economic Interests, to the agency's geographic jurisdiction. AB 572 would require Los Angeles County to be the reviewing body and Form 700 filing officer for virtually all non-classroom charter schools. The Executive Office of the Board notes that these schools would be difficult to locate and contact in any way other than by electronic means, which would seriously affect the County's ability to obtain charter school compliance with the proposed requirements and would make enforcement of conflict of interest duties difficult to complete. In addition, the bill does not provide for a reimbursable state mandate to implement this costly provision.

The Executive Office of the Board and this office oppose AB 572. Therefore, consistent with existing Board policy to oppose adverse State actions on the County and oppose unfunded mandates, **the Sacramento advocates will oppose AB 572.**

AB 572 passed the Senate on August 24, 2010 by a vote of 21 to 14. The measure is currently in the Assembly for concurrence in Senate amendments.

AB 572 is supported by the California School Boards, the Association of California School, the California Association of School Business Officials, the California State Parent-Teacher Association, the California Federation of Teachers, Orange County Department of Education and San Francisco Unified School District. The measure is opposed by the California Charter Schools Association.

Change in a Pursuit of County Position on Legislation

County-supported AB 2064 (J. Pérez), which would have required the California Department of Housing and Community Development to release a notice of funding availability for the Emergency Housing and Assistance Program to potential applicants and designated local boards and to grant awards within 180 days of the notice, was amended on August 19, 2010 and again on August 20, 2010, to delete these provisions. As amended, the bill would require Legislators and staff, constitutional officers and their exempt or appointed deputies, and most elected or appointed local government officials to make annual salary information available on an Internet website. Therefore, **the Sacramento advocates will remove support for AB 2064 and take no position on this measure.** This office is working to determine potential County impact of AB 2064 as amended.

County-supported-if-amended SB 1173 (Wolk), which as amended on August 2, 2010, would prohibit the use of raw or potable water for non-potable municipal or industrial purposes if suitable recycled water is available, passed the Senate Floor by a vote of 22 to 11 on August 25, 2010. This measure now proceeds to the Governor.

The County was requesting that the bill be amended to specify the local water purveyor as the agency that determines the reasonable distance at which recycled water would be deemed unavailable for use. **Since these amendments were not adopted, the Sacramento advocates will remove the County's support if amended position and remain neutral on this measure.**

Status of County-Sponsored Legislation

County-sponsored AB 2322 (Feuer and Bass), which as amended on August 19, 2010, would clarify and strengthen the ability of county departments to share records for the prevention, identification, management or treatment of child abuse or neglect, and expand the type of data that may be entered on the Family and Children's Index for persons living in the home with the child to include criminal convictions which involve crimes against a child, passed the Assembly Floor by a vote of 77 to 0 on August 24, 2010. This measure now proceeds to the Governor. AB 2322 is an urgency bill and would be effective immediately upon the Governor's signature.

County-sponsored AB 2554 (Brownley), which would authorize the Los Angeles County Flood Control District to implement storm water fees Countywide upon adoption of an ordinance by the Board of Supervisors to fund clean water programs, in compliance with Proposition 218, passed the Assembly Local Government Committee with concurrence of Senate amendments by a vote of 6 to 3 on August 25, 2010. This measure now proceeds to the Assembly for concurrence in Senate amendments.

Status of County Advocacy Legislation

County-support-in-concept AB 12 (Beall and Bass) which would enact the State option to use Federal Title IV-E funds to extend Foster Care benefits to youth up to 21 years of age and for the Kinship Guardianship Assistance Program (Kin-GAP) was amended on August 18 and August 20, 2010.

As reported in the May 14, 2010 Sacramento Update, Foster Care would be extended for current or former dependent children or wards of the juvenile court incrementally beginning January 1, 2012 for eligible youth up to 19 years with full implementation effective January 1, 2014 for youth up to 21 years of age.

The Department of Children and Family Services (DCFS) estimates that AB 12 would result in increased net County cost for the Foster Care Program ranging from \$2.2 million to \$2.4 million in FY 2011-12, the first year of the program expansion, and \$11.0 million to \$22.4 million when services are fully expanded in FY 2013-14. DCFS estimates that administrative costs would increase from \$1.4 million to \$1.6 million beginning in FY 2011-12 and \$7.6 million to \$13.3 million in FY 2013-14.

The Probation Department estimates that AB 12 would result in increased net County cost of \$4.1 million in FY 2011-12, and \$12.6 million in FY 2013-14. Probation also estimates increased administrative costs ranging from \$1.0 million to \$1.2 million in FY 2011-12 and \$2.5 million to \$3.0 million in FY 2013-14.

The amendments to AB 12 include a provision which would establish a county share of cost for the expansion of Foster Care, Kin-GAP and Adoption Assistance Programs. The county share would be capped at the amount of each county's savings achieved through the drawdown of Federal funds for Kin-GAP. The costs and savings would be calculated on a county-by-county basis to ensure that no county is required to put in more than its share of the savings. The California Department of Social Services would be required to work with the County Welfare Directors' Association to determine a methodology for calculating each county's cost and savings. The amendments would also specify that the extension of benefits for youth between 20 and 21 years of age be contingent on an appropriation of funds by the Legislature.

The Department of Children and Family Services notes that the expansion of foster care to youth up to 21 years of age is a major cost component of AB 12. The amendments in AB 12 seek to protect counties by limiting their cost liability to the actual savings realized from the drawdown of Federal funding for Kin-GAP. However, there is a possibility that the State may be unable to meet its share of costs which could burden the counties with additional program costs. For these reasons, the County has maintained a support-in-concept position on AB 12. The Department recommends that this position be continued.

County-opposed AB 853 (Arambula), which as amended on August 18, 2010, would eliminate local control over the annexation process for unincorporated fringe/island communities by requiring a board of supervisors to petition the Local Agency Formation Commission to approve the annexation of these communities if specified conditions are met, passed the Assembly Floor by a vote of 46 to 29 on August 24, 2010. This measure now proceeds to the Governor.

County-supported AB 2347 (Feuer), which as amended on August 2, 2010, would until January 1, 2013, authorize a public entity that is party to a regulatory agreement or a recorded deed restriction for a property with five or more multifamily units to submit a written notice to a trustee to postpone the foreclosure sale of the property for up to 60 days, passed the Assembly Floor by a vote of 51 to 27 on August 24, 2010. This measure now proceeds to the Governor.

County-supported AB 2536 (Carter), which would allow Emergency Housing and Assistance Program funds approved in the Housing and Emergency Shelter Trust Fund Acts of 2002 and 2006 to also be available for supportive housing services, was amended on August 20, 2010 to double-join AB 2536 with AB 2762 (Assembly Housing

and Community Development Committee), the 2010 housing omnibus bill, which would make a number of minor, non-controversial changes to sections of law relating to housing.

The Community Development Commission and this office recommend that the County continue to support AB 2536, based on existing Board policy to support proposals that provide additional resources for meeting the capital and operational costs of housing production and related supportive service needs of low-moderate-income families and the needs of special populations, including elderly, disabled and mentally ill persons. Therefore, **the Sacramento advocates will continue to support AB 2536.**

AB 2536 passed the Assembly Floor by a vote of 76 to 0 on August 25, 2010. This measure now proceeds to the Governor.

County-supported AB 2592 (Buchanan), which as amended on August 4, 2010, would require the California Department of Education to establish a pilot program to measure the quality of child care and development programs, based on the recommendations of the Early Learning Quality Improvement System Advisory Committee and if Federal early care and education funds are approved, was placed in the Senate inactive file at the request of the author on August 19, 2010. Assembly Member Buchanan was informed by the California Department of Finance that this measure is not necessary to ensure that California qualifies for Federal early care and education funds and that it would be vetoed by the Governor.

County-supported AB 2706 (Lowenthal), which as amended on August 17, 2010, would: 1) provide that the protections and remedies of the Ralph Civil Rights Act include violence or intimidation by threat of violence committed against a person or property because the person is, or is perceived to be, homeless; and 2) define a homeless person to mean a person who does not have a fixed regular, and adequate nighttime residence, or a person who has a nighttime residence at a shelter designated to provide temporary living accommodations, passed the Assembly Floor by a vote of 51 to 26 on August 24, 2010. This measure now proceeds to the Governor.

County-supported if amended SB 346 (Kehoe), which would reduce the use of copper and other heavy metals in automobile brake friction materials starting in 2014, effectively remove copper from brake pad materials by January 1, 2025, and impose specified requirements on manufacturers and retailers of vehicles and brake friction materials, was amended on August 20, 2010.

The August 20, 2010 amendments: 1) delete the requirement for manufacturers of motor vehicle brake friction materials to obtain a certificate of compliance from a third party testing certification agency; 2) require manufacturers to certify compliance with the bill's requirements and mark proof of certification on all brake friction materials and file a

copy of the certification with a testing certification agency; 3) require manufacturers to screen potential alternatives to copper using the existing Toxics Information Clearinghouse; and 3) allow motor vehicle manufacturers and distributors, wholesalers, or retailers of replacement brake friction materials to deplete their inventory of noncompliant materials until December 31, 2023.

The amendments would also: 1) allow a manufacturer, after January 1, 2019, to apply to the State Department of Toxic Substances Control (DTSC) for a one-year, two-year, or three-year extension of the January 1, 2025 deadline to comply with the 0.5 percent copper requirement; 2) allow the DTSC to assess a fee for each application for an extension; 3) require the nine member advisory committee appointed by the Secretary for Environmental Protection to consider and recommend approval or denial of an application for an extension of the bill's requirements in accordance with specified procedures; 4) establish January 1, 2030 as the deadline for final extensions of the bill's requirements for most manufacturers; and 5) establish January 1, 2032 as the deadline for final extensions for brake friction materials to be used on heavy-duty vehicles.

Brake friction materials for the following motor vehicle classes are exempted from the bill's requirements: 1) military tactical support vehicles; 2) vehicles employing internal closed oil immersed brakes; 3) brakes designed for holding the vehicle stationary and not designed to be used while the vehicle is in motion; 4) motorcycles; 5) motor vehicles subject to voluntary or mandatory recalls of brake friction materials or systems due to safety concerns; and 6) motor vehicles manufactured by small volume manufacturers.

In addition, vehicles manufactured prior to January 1, 2021, and brake friction materials used in those vehicles, are exempt from the January 1, 2021 prohibition against brake friction materials exceeding 5 percent copper by weight, and vehicles manufactured prior to January 1, 2025 are exempt from the January 1, 2025 prohibition against brake friction materials exceeding 0.5 percent copper by weight. Vehicles for which an extension from the bill's requirements was approved are exempted from the prohibition against brake friction materials exceeding 0.5 percent copper by weight for the extension time period.

Furthermore, the State Water Resources Control Board would be required to submit a report to the Governor and Legislature, by January 1, 2023, on the implementation of the bill's requirements toward meeting the copper total maximum daily load (TMDL) allocations in the State. The report is required to make recommendations on actions necessary to address any deficiencies in meeting these TMDL allocations, including but not limited to: 1) imposing additional restrictions on the extensions granted to manufacturers; 2) imposing additional restrictions on the exemptions from the bill; and 3) allowances for permitting a manufacturer to sell existing inventory. This report requirement is repealed on January 1, 2027.

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Although there are substantial changes to SB 346 from the prior version, the Department of Public Works (DPW) indicates that the amendments do not change the overall intent of the bill to eliminate copper from brake friction materials. DPW continues to recommend that the County support SB 346, if amended, to include provisions recommending that State and Federal water regulatory bodies revise the TMDL compliance schedules for copper to match the schedules for elimination of copper brake pad materials in the bill.

SB 346 is currently pending a vote on the Assembly Floor.

We will continue to keep you advised.

WTF:RA
MR:VE:IGEA:er

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
Buddy Program Participants